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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/407,141
Filing Date: September 28, 1999
Appellant(s): KING, DENNIS D.

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/5/08 appealing from the Office action mailed 9/5/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

This appeal involves claims 1-5, 7, 9-13, 15, 17-21, and 23.

(4) Status of Amendments After Non- Final

The appellant's statement of the status of amendments after non-final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is

correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed

on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the

brief is correct.

(8) Evidence Relied Upon

6,092,032   Hamann   7-18-00

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed

claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-5, 7, 9-13, 15, 17-21, and 23 rejected under 35

U.S.C. 102(e) as being anticipated by Hamann (US 6,092,036).

As per **claims 1, 9, and 17**, Hamann teaches a method of

automatically translating text from a source language to a target language

with a reusable control, comprising the steps of:

initializing parameters to identify a plurality of variables comprising at

least the source and the target language (C.7.lines 58-60- a **translator,**

which initializes parameters, despite the location of configuration settings,

initialization begins within the translator, which contains the variables

comprising the source and target language; C.4 lines 13-16-source and

target language locality identifier, the translator is started with the

application program which contains the reusable controls, the parameters

comprising the source and target languages, and locality. Hamman further

explicitly teaches configuration, initializing based on the translator, C.6 lines

32-35);

      identifying when translation should be invoked for text in a field of the

control (C.7 lines 55-60, Fig. 2 item 52, C.3 lines 47-49-his any text);

      encapsulating said steps of initializing and identifying in order to

make a reusable data object (C.7.lines 54-60-C.4.lines 33-38-his

embedded translator includes encapsulation of the initializing and

identifying steps); and

      wherein said text is inputted into the input field (C.4.lines 38-44,

C.4.lines 64-67, Fig. 2 item 52).

      As per **claims 2, 10 and 18**, Hamann teaches the method of Claim 1,

wherein said step of initializing further comprises initializing a subject area

(C.5.lines 26-30, 55-57-his message area, program or class).

As per **claims 3, 11 and 19**, Hamann teaches the method of claim 2,

wherein said step of initializing further comprises initializing domains

(C.5.lines 26-30, 55-57-his program/class).

As per **claims 4, 12 and 20**, Hamann teaches the method of claim 3,

wherein said step of initializing further comprises initializing transactional

needs (C.5.lines 1-10-his call campaign manager application).

As per **claims 5, 13 and 21**, Hamann teaches the method of Claim 4,

wherein said step of initializing further comprises initializing input and

output locations (C.7.lines 1-40-his translation configuration settings-input

and output of text).

As per **claims 7, 15 and 23**, Hamann teaches a method of

automatically translating text from a source language to a target language

with a reusable control, comprising the steps of:

initializing parameters to identify a plurality of variables comprising at

least the source and the target language (C.7.lines 58-60-see claim 1, for

further discussion);

identifying when translation should be invoked for text in a field of the

control (C.7 lines 55-60, Fig. 2 item 52, C.3 lines 47-49-his any text);

encapsulating said steps of initializing and identifying in order to

make a reusable data object (C.7.lines 54-60-C.4.lines 33-38-his

embedded translator includes encapsulation of the initializing and

identifying steps, see claim 1 for further discussion); and

wherein said text is outputted from the field (C.4.lines 38-44, C.4.lines

64-67, Fig. 2 item 52).

(10) Response to Argument

In response to applicant's arguments, p.3 lines 9-11, "[T]he Examiner

has completely ignored the claimed limitations regarding the 'reusable

control.' Moreover the teachings of Hamann are unrelated to a reusable

control." On page 6, Applicant argues, "As in known to those skilled in the

art "a reusable control," as well as the claimed "reusable data object," are

associated with distributable, object oriented coding (e.g., Java objects)."

The Examiner notes as previously cited, Haman teaches, Fig. 2 item 52, an

object as a control (see C.8 lines 4, 5), which is furthermore distributable,

to multiple applications (C.4 lines 58-60),. this particular framework is

distributable to other applications. Therefore, as applicant only described

once within the specification, a reusable control, p.7 paragraph 1, "The

developer will then create the form of Figure 2 using know techniques,

however, the controls will be MT aware controls. As block 430 parameters

(within the **reusable controls**) are initialized...", the Examiner is able to

conclude based upon the teachings of Hamann, such distributable controls

are sufficient to meet and define applicant's claimed usable controls.

In response to applicant's arguments, p.6 lines 15-17 "the text to be

translated is in a field of the control and the text is either inputted into the

field or outputted from the field." It is evident, that there is text in the control

of Hamann, (see Fig. 2, item 52 "OVERT FERME" which are text items,

these text items, "open" and "close" in English, see C.8 lines 30-31, are

items of text that inherently were input into the field, the Examiner notes

there is no other way for the text to be found in the field of the control, other

than at some point in time, be input into the field), it is further evident that

there is text outputted from the field, by visual inspection (see above Fig. 2

discussion). Therefore, it is sufficient to note that Hamann teaches text

"inputted or outputted form the field."

In response to applicant's arguments, p.7 and p. 8, ~~applicant argues,~~

that "The translator 48 of Hamann does not perform the initializing of

parameters." The Examiner notes the applicant does not claim a translator

that initializes parameters. Furthermore, the Examiner notes that the

applicant does not mention or define encapsulation anywhere in the

specification. Furthermore, the Examiner notes, as stated above, Hamann

teaches a translator, an embedded translator, a distributable, packaged

translator, which comprises a system of components for (see previously

cited C.7.lines 54-60-C.4.lines 33-38-his embedded translator includes

encapsulation of the initializing and identifying steps, C.4 lines 51-60-which

discusses an "encapsulated" translator, see the system of Fig. 2, as

interpreted as packaged), thus this preponderance of evidence points to

encapsulation. Furthermore, the Examiner notes, applicant claims,

"encapsulating said steps of initializing and identifying in order to make a

reusable data object", wherein the Examiner has shown above, that there is

an encapsulated system, which includes the argued "identifying" and the

unequivocal reusable data objects as the above objects are distributable

among applications. In addition to the above, the Examiner notes that there

are parameters that are initialized to identify a plurality of variables

comprising at least the source and target language (there are parameters

that contain variables that identify a source and target language, see Fig 2

items 12, 14, 48, 40, 42, 44), also sufficient to teach applicant's claimed invention.

In response to applicant's arguments, p.9 line 9, "The Examiner's comment that "Hamann performs the same function" is particularly noteworthy. The Examiner notes the above comment, yet also notes, that the comment is and was not the basis for any rejection, which all contain cited Prior art, column, line number and related Figures.

In response to applicant's arguments, p.9, lines 18, and 19 regarding "said text is inputted into the field." See the above discussion of text being input into a field.

In response to applicant's arguments, p.9 lines 22-23, "Hamann further comprises an encapsulated method including initializing and identifying..." see the above discussion regarding encapsulation, and initializing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be

sustained.

Respectfully submitted,

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